

REPLY PURSUANT TO 37 C.F.R. § 1.116**REMARKS**

Claims 1-10 and 13-30 are currently pending in the application, claims 1-3 and 13-30 stand rejected and claims 4-10 are objected to. The Examiner in his office action noted that the amendment filed September 2, 2004, was entered into the application, that claims 1, 2 and 30 were amended and claims 11-12 were cancelled. In view thereof, the rejection under 35 U.S.C. 112, first paragraph, as set forth in the previous office action is withdrawn.

By way of this amendment new claim 31 is added, claims 2 and 14-18 are each amended to recite more distinctly the invention of this application and to overcome the outstanding rejections as discussed in detail below, and claims 1, 3, 13 and 21-30 are cancelled without prejudice. Thus, claims 2, 4-10, 14-20 and 31 are pending in the application. All amendments to the claims have been made in accordance with the procedures set out in 37 C.F.R. § 1.121(c). No new subject matter has been added through these amendments. Applicants respectfully traverse the outstanding rejections as set forth below.

REJECTIONS**Rejection under 35 U.S.C. § 102(b) or rejection under 35 U.S.C. § 103(a)**

Claims 1-3 and 13-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Flynn et al. (U.S. Patent No. 5,430,145), already of record for the reasons of record as set forth in the previous Office action, as applied to claims 1-3 and 11-30.

Applicants carefully considered the Examiner's rejections under 35 U.S.C. 102(b) or in the alternative under 35 U.S.C. 103(a) and remarks pertaining thereto in the instant and previous Office Actions. Applicants accordingly amended the claims presented in the previous response as follows:

1. Claims 1, 3, 13 and 21-30 were cancelled without prejudice.

2. Claim 2 was amended to delete recitation of "non-diabetic nephropathy".
3. Original dependent claim 13 was rewritten as new independent claim 31 that incorporates the limitations of original claim 1 and amendments to original claim 1 from the previous response.
4. Claims 2 and 14-18 were each amended to depend on new claim 31.

Applicants respectfully submit that new claim 31, and amended claims 2 and 14-18 are neither anticipated by nor rendered obvious over Flynn et al (US. Patent No. 5,430,145) by virtue of the aforesaid amendment of claim 2 to delete recitation of "non-diabetic nephropathy" and the cancellation of claims 1, 3, 13 and 21-30; thus, obviating all of the outstanding rejections related thereto. In addition, Applicants submit that claims 2, 14-20 and 31, as amended, fully satisfy the requirements of 35 U.S.C. § 102(b) as well as 35 U.S.C. § 103(a).

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) as to claims 2, 14-20 and 31.

Claim Objection

In the instant Office Action, claims 4-10 are objected to as depending from a rejected base claim, but are otherwise in condition for allowance.

Applicants respectfully submit that original claims 4-10 are now dependent on presently amended base claim 2, which in turn depends on newly presented claim 31 that Applicants' believe is allowable.

Based on the foregoing, Applicants respectfully request withdrawal of the objection to claims 4-10.

CONCLUSION

Applicants respectfully submit that the claims 2, 4-10, 14-20 and 31 are now in condition for allowance and respectfully request a notice to this effect. A voice mail message was left for the Examiner on November 11, 2004, proposing entry of the above amendments to place the claims in condition for allowance. Applicants' wish to thank the Examiner for telephoning Applicants on November 12, 2004, acknowledging that said amendments would place the claims in condition for allowance and recommending that

Applicants file this response at their earliest opportunity. Should the Examiner have any questions please call (collect if necessary) the undersigned agent at the telephone number listed below.

The Commissioner is hereby authorized to charge these fees and any other fees that are due to this paper to Deposit Account No. **18-1982** for Aventis Pharmaceuticals Inc., Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

Respectfully submitted,


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